

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

CAROL S. ALLDAY

PLAINTIFF

v.

CIVIL ACTION NO. 2:20-cv-115-TBM-LGI

**KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND REMANDING CASE TO THE COMMISSIONER**

This matter is before the Court on submission of the Report and Recommendation [23] entered by United States Magistrate Judge LaKeysha Greer Isaac on December 13, 2021, which recommends remanding this case for further proceedings. After due consideration of the Report and Recommendation [23], the record, and the relevant legal authority, the Court finds that the Magistrate Judge's Report and Recommendation [23] should be adopted and that this case should be remanded to the Defendant Commissioner of Social Security for further proceedings.

The Plaintiff, Carol S. Allday, appeals the final Social Security Administration decision of the Administrative Law Judge (ALJ) denying her claim for disability insurance benefits. The Plaintiff specifically raises two errors on appeal: (1) the ALJ's residual functional capacity is not supported by substantial evidence, and (2) the ALJ's determination that Plaintiff could perform her prior work is not supported by substantial evidence.

Having reviewed the Report and Recommendation for clear error, and finding none, the Court is satisfied that Judge Isaac has undertaken an extensive examination of the issues in this case and has issued a thorough opinion. Within the Report and Recommendation, Judge Isaac concluded that "there are a number of unresolved conflicts that warrant remand for further

consideration.” [23] at 5. For example, Judge Isaac noted that the ALJ “did not specify precisely what additional limitations were warranted nor link them to any specific subsequent evidence.” *Id.* at 7. Additionally, the Report and Recommendation set forth a discrepancy between the ALJ’s contention that the consulting examiner’s assessment was “‘consistent with the overall evidence of the record,’ while the agency physicians’ assessments were only ‘consistent with the evidence at the time.’” *Id.* at 8. Judge Isaac further noted that the ALJ did not clearly set forth the extent he considered Dr. Anderson’s records and the Plaintiff’s dysautonomia diagnosis in evaluating the supportability and consistency of Plaintiff’s subjective complaints and reported limitations. *Id.* at 9. For all of the reasons set forth in the Report and Recommendation, Judge Isaac recommended remanding the case for further proceedings. *Id.* at 13.

Neither party has filed an objection to the Report and Recommendation, and the time for filing an objection has expired. “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b) advisory committee’s note to 1983 addition (citations omitted). *See Casas v. Aduddell*, 404 F. App’x 879, 881 (5th Cir. 2010) (citing *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), superseded by statute on other grounds, 28 U.S.C. § 636(b)(1)) (affirming district court’s dismissal of § 1983 claims and stating that “[w]hen a party fails timely to file written objections to the magistrate judge’s proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error”); *Douglass*, 79 F.3d at 1430 (affirming district court’s grant of summary judgment).

The Court finds that the Magistrate Judge's Report and Recommendation is neither clearly erroneous nor contrary to law. The Report and Recommendation will be adopted as the opinion of the Court.

IT IS ORDERED AND ADJUDGED that the Report and Recommendation [23] entered by United States Magistrate Judge LaKeysha Greer Isaac on December 13, 2021 is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that this action is REMANDED to the Commissioner of Social Security for further proceedings consistent with the Court's Order.

THIS, THE 29th DAY OF DECEMBER, 2021.



TAYLOR B. MCNEEL
UNITED STATES DISTRICT JUDGE